



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

October 27, 1998

Mr. Mark E. Dempsey
Assistant City Attorney
City of Garland
P.O. Box 469002
Garland, Texas 75046-9002

OR98-2499

Dear Mr. Dempsey:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 119070.

The City of Garland Police Department (the "city") received a request for an arrest report for a particular incident and individual. You say that the city has released or will release a redacted copy of the requested arrest report in order to comply with the disclosure requirements of *Houston Chronicle Publishing Company v. City of Houston*, 531 S.W.2d 177 (Tex. Civ. App.--Houston [14th Dist.] 1975), *writ ref'd n.r.e. per curiam*, 536 S.W.2d 559 (Tex. 1976), which specifically required release of information ordinarily appearing on the first page of an offense report. *See also* Government Code section 552.108(c), quoted *infra* ("basic information"). You seek to withhold the rest of the information in the requested arrest report under Government Code section 552.108, which provides in part:

(a) Information held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime is excepted from [required disclosure] if:

(1) release of the information would interfere with the detection, investigation, or prosecution of crime[.]

....

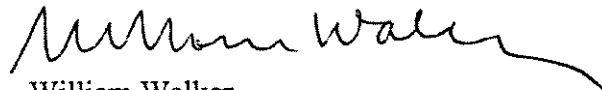
(c) This section does not except from [disclosure] information that is basic information about an arrested person, an arrest, or a crime.

Because you have informed us that report pertains to a pending prosecution, we conclude that you have established that the release of the full report at this time could interfere with law enforcement or prosecution. We have examined the redacted version of the arrest report which you submitted. The redacted report appears to satisfy the *Houston Chronicle* and section 552.108(c) requirements for public release. You may withhold the redacted portions at this time under section 552.108(a)(1)

Please note too that the report in question contains vehicle registration -- *i.e.* license plate -- information which must, under section 552.130(a)(2), be redacted prior to release. Section 552.130 excepts disclosure of information related to "a motor vehicle title or registration issued by an agency of this state."

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



William Walker
Assistant Attorney General
Open Records Division

WMW/ch

Ref: ID# 119070

Enclosures: Submitted documents

cc: Ms. Susan Hall
1418 Buena Vista Avenue
Garland, Texas 75043
(w/o enclosures)